

STATE BOARD REPORT

PUBLISHED BY THE MISSOURI BOARD OF EMBALMERS AND FUNERAL DIRECTORS

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CHAIR'S REPORT INSPECTIONS OF FUNERAL ESTABLISHMENTS



Donn James

During the last two years the board restructured the inspection process in an attempt to contain costs while maintaining compliance with state statutes and board regulations. During FY2001 inspectors noted 92 violations during routine inspections. The board reviewed each of the violations in order to establish the type of violations being noted and to develop a procedure for handling each of the violations.

Seventy of the violations written in FY2002 involved failure to display licenses at each location as required in Section 333.091 RSMo. During the biennial renewal of embalmer and funeral director licenses this year each licensee should have received a relationship page indicating all of the establishments where they had registered with the board as a place they were practicing. Each licensee was instructed to update the list and return it along with the renewal notice. One license was printed and mailed from the Central Processing Room and the duplicates indicated were printed later and mailed to each licensee for display at each and every location where they work. The board inspectors and staff have worked with licensees to make everyone aware of the requirement and attempt to bring all licensees into compliance with the display of licenses. By the expiration of licenses in 2004 the board anticipates few problems in the procedure for issuing and the display of licenses at all locations for all embalmers and funeral directors. This cannot be accomplished, however, without compliance with Section 333.081.2 RSMo and 4 CSR 120-2.020 which require a licensee to notify the board within thirty (30) days of each address change of the funeral establishment at which s/he is practicing and notifying the board within thirty (30) days of any termination or creation of an employment relationship with a funeral establishment.

Twenty-two violations were written for failure to make records available for inspection. A number of establishments with multiple locations elect to have one central accounting area. When the accounting tasks are accomplished at a site other than the funeral establishment the board maintains that duplicate records may be kept at the location where the services were arranged and conducted to be in compliance with 4 CSR 120-2.070(23).

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Inspectors were advised by the board to thoroughly check purchase agreements and noted 42 violations in this area for FY2002. Section 333.145 RSMo as well as 4 CSR 120-2.080 outline the procedure for preparing purchase agreements for all arrangements made for the final disposition of a dead human body. The board has been advised that a preneed contract does not constitute a written statement of charges that complies with all aspects of the statute and board regulation. The board has received a number of complaints where family members were under the impression that the preneed contract covered the entire cost of the final disposition only to be held responsible for extra costs without a complete explanation of the additional items selected.

During FY2002 board inspectors wrote 145 violations with 34 of them outlining problems with embalming rooms related to either the condition of the room or the manner in which the embalming log was kept. A few violations with regard to the condition of the structure of the funeral establishment have led to the closing of several establishments this year.

In most cases a violation written by the inspector, which prompted a letter from the board, has been corrected by the licensee with no further action necessary on the part of the board. If you experience problems with the manner in which representatives of the board conduct inspections you are encouraged to contact the board office.

During the past year with all the national media attention focused on negative activities in other states, the board has been pleased with the statutes and rules governing the funeral industry that are in place and enforced in Missouri. The board is extremely proud of the way the vast majority of licensees in this state perform their duties on a day to day basis serving the 50,000 families each year in Missouri who experience a death in the family.



Governor

The Honorable Bob Holden

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Staff

Patricia Handly, Executive Director

Lori Wansing, Inspector

Pamela Schnieders, Clerk IV

Linda Stephens, Licensing Technician II

Missouri State Board of Embalmers and Funeral Directors

3605 Missouri Boulevard

P.O. Box 423

Jefferson City, Missouri 65102

(573) 751-0813

(573) 751-1155 Fax

(800) 735-2966 TDD

URL: www.ecodev.state.mo.us/pr/embalm/
embalm@mail.state.mo.us



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JERRY GRIFFIN RECEIVES NATIONAL RECOGNITION IN THE INDUSTRY



Jerry Griffin

In recognition for his many areas of expertise and years of dedicated service to the industry Jerry Griffin has been elected to serve on the CLEAR board of directors. Jerry has represented the board for several years at the national Council on Licensure, Enforcement and Regulation and served on the Autonomous Boards Committee prior to being elected to the board of directors.

In recognition for his contribution to the International Conference of Funeral Service Examining Boards, Jerry Griffin has been appointed to serve on the Examination Committee for the National Board Funeral Service Arts section of the examination.

Jerry Griffin was appointed to the Missouri State Board of Embalmers and Funeral Directors in 1990, was reappointed in 1995 and again in 2000. He has been active in the funeral industry for over twenty years. Prior to graduating from Kansas City Kansas Community College with a degree in Mortuary Science, Jerry graduated from Central Missouri State University with a Bachelor of Science degree in Criminal Justice Administration and served ten years with the Missouri Highway Patrol. He is also a Navy veteran. He is currently manager of the Kansas City metro area for Service Corporation International.

FAREWELL



Susie Cunningham

Susie Cunningham has been replaced by Kenneth G. McGhee. She served on the board from October 2, 1997 to October 10, 2002.

The board would like to take this opportunity to thank Susie for her hard work and dedication while serving on the board. The board, staff and members of the funeral industry throughout the state wish her well.

NEW BOARD MEMBER



Kenneth G. McGhee

Kenneth G. McGhee, licensed funeral director, owner and operator of Archway Memorial Chapel, 111 Taylor Road in Hazelwood was appointed on October 10, 2002, by Governor Bob Holden to the State Board of Embalmers and Funeral Directors for a term ending on April 1, 2007. He is a democrat and replaces Susie Cunningham of St. Louis whose term expired on April 1, 2002.

Ken took over the family business at the age of eighteen (18) making him the youngest funeral director/owner and operator in the United States. He has continued to operate this family business for seventeen (17) years.

PUBLIC MEMBER



Pictured: Jerry Griffin & Christina Johnson

Christina Johnson from Rolla served as public member on the board from her appointment in September 1995 by Governor Carnahan until November 26, 2001 when Rudolph R. Rhodes, IV was appointed by Governor Holden to replace her as her term had expired. From April 1997 to April

1998 Christina served as Chair of the Board. Her outstanding service to the board was recognized at the April 2002 meeting.

Rudolph Rhodes is an attorney and was working in the Jackson County Prosecutor's Office at the time of his appointment, but was forced to resign from the board on May 18, 2002 when he accepted a position with the Western District Office of the United States Attorney.

NEW EMPLOYEE



Lori Wansing

On January 14, 2002 the board employed Lori Wansing as the new funeral establishment inspector/investigator. Lori graduated from Maries R-1 High School in Vienna, Missouri. In May 2000 she graduated with an Associate of Applied Science Degree in Funeral Service Education from St. Louis Community College at Forest Park. Her work experience includes Kordes Funeral Home in Rolla and

Jay B. Smith Funeral Home in Maplewood.

Lori is both a licensed embalmer and funeral director. Her duties include inspection of funeral homes in the central area of the state as well as office duties. She is in charge of licensure and renewal for all funeral establishments. Preneed seller and provider registrations, annual reports and cease doing business forms are also her responsibility. The maintenance of records relative to establishments, preneed sellers and providers as well as requests to the Division of Professional Registration for investigations and examinations of the books and records of sellers and providers are part of Lori's duties.

She serves as the board's liaison with the Division Central Investigative Unit for coordination of the inspections and investigations of all funeral establishments in the state.

NEW REGULATIONS REGARDING DISPLAY OF LICENSES

The board has amended the Code of State Regulations to require that all licenses issued by the board, "be displayed at all times in a conspicuous location accessible to the public in the office(s) or place(s) of business for inspection by any duly authorized agent of the board." These rules became effective April 30, 2002. Any licensee may obtain a duplicate license without an additional fee by contacting the board office with the location at which it is to be displayed. Board inspectors will have a list of all licensees who are registered to work at a location. Failure to have a valid license displayed where you work could be grounds for discipline of your embalmer and/or funeral director license, the funeral establishment license as well as the license of the funeral director in charge of the facility.

The cost of obtaining and maintaining a license to practice your profession or operate your business is substantial and the board encourages you to display the license with pride.

MESSAGE FROM DIVISION DIRECTOR



Marilyn Taylor Williams
Division Director

My office has been working diligently, through team input and much planning, to develop an optical imaging system that will meet the needs of the Division. I'm glad to report that we have implemented the new optical imaging system and the boards have been trained on how to use the system. They are now using the system and have the ability to scan daily mail received or other paper files and documents maintained in the board office. The boards will each determine what documents are to be scanned.

Additionally, my office has been pursuing on-line renewals. We will provide updates as we progress in this area.

I am also pleased to report that the 2002 Board Member Orientation and Update, which was held September 26 - 27, was a great success. Many areas of interest were covered with positive comments from those present. We had approximately 40 individuals attend the September 26 session and 60 attend the September 27 session.

Please stay tuned as we continue to improve the services provided by the Division.

NEW LAW BOOK BEING PRINTED

A new lawbook is being printed and mailed to each licensed embalmer and funeral director. Copies are also being distributed to all apprentices and to the mortuary science institutions and libraries. Please familiarize yourself with this document as it contains changes in both the statutes and regulations effecting this industry in Missouri. The board's obligation to inform licensees regarding the practice of their profession is being fulfilled by the distribution of this report along with a copy of the lawbook. Failure to comply with the statute and regulations could result in discipline of your license.

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The statutes and board regulations are also available on the Internet on the state's or the board's website. If you have any questions regarding compliance, please feel free to contact the board office.

FY2002 YEAR END REPORT

As of June 30, 2002, the board had the following active licensees:

1149 Embalmers
2512 Funeral Directors
717 Funeral Establishments
664 Preneed Providers
314 Preneed Sellers

The board received 279 applications for licensure, issued 244 new licenses and, denied 3 applications during FY2002. A total of 5349 licenses were renewed.

Examinations are administered the third Wednesday of each month at the board office. Oral embalmer examinations are also given at each board meeting. During FY2002 the board administered:

158 FD Law Examinations
58 FD Practical Examinations
2 Sections State Board Science Exams
1 Section State Board Arts Exam
15 Sections of the National Board Examination
32 Embalmer Oral Exams.

COMPLAINTS

34 Complaints received from the public during FY2002
2 Board had no jurisdiction
2 Allege deception, misrepresentation or dishonesty
9 Allege unprofessional conduct
4 Involve fee disputes
1 Alleges negligence
1 Involves unlicensed practice
15 Allege a violation of Chapter 436 RSMo

VIOLATION/COMPLAINT HANDLING

27 Cases referred to the Division for investigation as required in Chapter 436 RSMo
50 Cases investigated and referred to Attorney General for action

4 Cases investigated and board issued letters of concern
14 Cases investigated where board took no further action or had no jurisdiction
55 Matters board investigated and resolved
98 Cases still pending

DISCIPLINE

18 Licenses placed on probation
2 Licenses revoked
1 License suspended
1 License voluntarily surrendered

The State Board of Embalmers and Funeral Directors initiated 127 investigations during FY2002 based on inspections, complaints and failure to renew licenses. Based on these investigations, 50 cases were referred to the Office of the Attorney General for the filing of a complaint with the Administrative Hearing Commission. These fifty cases involved 97 licenses.

During this biennial renewal year a number of licensees failed to renew prior to the expiration date of their license. To continue to practice as an embalmer or funeral director or conduct services as a funeral establishment without a valid license has caused a number of firms and individuals to be disciplined. You are encouraged to monitor the expiration of your professional licenses in order to maintain uninterrupted licensure and avoid discipline of your license to practice your profession in this state.

PRENEED

During the 2000-2001 reporting period, registered pre-need sellers in Missouri reported a total of 23,550 contracts sold with a total face value of \$84,543,312. Of the 34 complaints filed by the public with the State Board of Embalmers and Funeral Directors, fifteen (15) alleged violations of Chapter 436 RSMo. The board referred 27 matters dealing with Chapter 436 RSMo to the Division for Investigation as required in the statute. During FY2002 the board conducted twelve (12) Chapter 436 Hearings based on the Office of the Attorney General Consumer Protection Division issuing a determination of Probable Cause to believe that a violation of Chapter 436 had occurred. The board requested the examination of the books and records of 3 licensees based on the sale of assets during FY2002.

FUNERAL DIRECTOR IN CHARGE

Pursuant to Section 333.061 RSMo a funeral establishment must be under the general management and supervision of a duly licensed funeral director. According to 4 CSR 120-2.070(5) the application for a funeral establishment license must indicate the name and license number of the funeral director in charge. It further states, "When the funeral director in charge changes for a period of more than thirty (30) days, the new funeral director in charge and the former funeral director in charge, jointly or individually, shall notify the board of the change within thirty (30) days of the date when the change first occurs. Failure to notify the board shall be considered a violation of this rule on the part of each and on the part of the funeral establishment."

Discipline of a funeral establishment for any violation generally involves discipline of the individual listed as the funeral director in charge along with the establishment.

DEATH CERTIFICATES

The death certificate is a legal document necessary for our families to proceed with the affairs of their life after the death of a loved one. In too many cases obtaining a death certificate presents a major problem for the funeral director and in turn for the families they serve. Section 193.145.5 RSMo requires the physician in charge of the patient's care for the illness or condition that resulted in death to sign the medical certification within seventy-two hours after death. Section 193.145.1 RSMo requires a death certificate to be filed within five days after death. Department of Health statutes include many provisions for the filing of death certificates for deaths other than by natural causes and under unusual circumstances that could cause the filing to be delayed.

Funeral directors take the responsibility of obtaining the information and signatures necessary for the filing of a death certificate as a very serious part of their obligation as a licensed professional. Individuals who have allowed their licenses to expire but continue to sign death certificates as, "Funeral service licensee or person acting as such," have been referred by the board to the Office of the Attorney General for discipline during FY2002.

CLARIFICATIONS THROUGH THE EYES OF A CORONER

By: Don Lakin, Lawrence County Coroner

Coroners are constantly condemned by funeral directors for not signing Cremation Authorizations as well as Authorizations for indigents.

The laws are very precise in the wording of Cremation Authorizations as stated in the Health Department rule #19 CSR 10-10.100 which you can read as follows:

- (1) If the cause of death can be established within seventy-two (72) hours after death, a completed death certificate certifying the cause of death as determined by the medical examiner/coroner or physician shall be delivered or mailed to the local registrar of the county where death occurred before a body is cremated.
- (2) If a completed death certificate cannot be filed because the cause of death has not been determined, the medical examiner/coroner or physician certifying the cause of death shall give the funeral director notice of the reason for the delay. A body shall not be cremated until written authorization by the medical examiner/coroner or physician is received by the funeral director. This authorization shall be a signed statement which identifies the deceased and authorizes final disposition by the cremation.
- (3) Management of a crematory shall require from an authorized funeral home representative presenting a body for cremation a signed statement which identifies the deceased and which state (A) That a complete death certificate has been filed with the local registrar where death occurred; OR (B) That the funeral director has received a written authorization to cremate the body from the medical examiner/coroner or physician *who will be certifying the cause of death.*

This law specifically states that if it is a coroner's case, the coroner will sign the authorization only when he/she is going to sign the death certificate. A physician has the authority to sign the authorization when he/she is going to sign the death certificate. A coroner cannot sign this authorization if he/she is not going to sign the death certificate.

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When the coroner has control and custody of a body and no next of kin can be found, by statute he/she has authority to authorize burial or cremation. The coroner cannot give the funeral director permission to cremate a body if it was not a coroner's case to begin with.

The following Statute #58.460 explains further:

Disposition of a body a duty of coroner, when - Whenever an inquest shall be held, *or any case in which the coroner is involved*, if there be no relative or friend of the deceased, nor any person willing to bury the body, nor any person whose duty it is to attend to such burial, *the coroner shall* order the embalming of the body, procure an inexpensive plain coffin, and cause a grave to be dug and the body to be conveyed thereto and buried, or shall cause the body to be cremated and shall cause the cremated remains to be disposed of in a lawful manner in a marked grave. It shall be the duty of the coroner, in so doing, to avoid all unnecessary expense, and to render to the commission an accurate statement of all money expended by him for such purpose; and the county commission shall make to him a reasonable allowance for his actual expenses in procuring the coffin, transporting the deceased to the grave, digging the grave and burying the body, or in obtaining such cremation and disposition of the cremated remains in a marked grave; and also a reasonable allowance, according to the circumstances, for his own time and services in attending to such preparations and burial, or to such cremation and disposition in a marked grave.

This issue constantly resurfaces each time I have a funeral director ask me to sign these documents and as stated in the law, as coroners, *we cannot do this*.

Another issue of concern for the coroner is the notification to the Child Review Panel and our responsibilities. The law specifically states that *anyone* who knows of a child's death, eighteen years old or younger, must notify the coroner of the county in which the death occurred. This law places responsibility on everyone involved in the death care industry and would include doctors, funeral directors, law enforcement agencies or any other agency with knowledge of said death.

Please refer to the following statute #58.452: *Child's death under age eighteen, notice to coroner by persons having knowledge - referral to child fatality review panel, when - procedure for nonsuspicious death, form, duties - autopsy,*

child death pathologist, when - disagreement on need for autopsy, procedure - violation by coroner, penalty:

1. When any person, in any county in which a coroner is required by section 58.010, dies and there are reasonable grounds to believe that such person was less than eighteen years of age, who is eligible to receive a certificate of live birth, the police, sheriff, law enforcement officer or official, health practitioner or hospital or *any person having knowledge of such a death shall immediately notify the coroner* of the known facts concerning the time, place, manner and circumstances of the death. The coroner shall notify the division of the child's death pursuant to section 210.115, RSMo. The coroner shall immediately evaluate the necessity for child fatality review and shall immediately notify the chairman of the child fatality review panel. The child fatality review panel shall be activated within twenty-four hours of such notice to review any death which includes one or more of the suspicious circumstances described in the protocol developed by the department of social services, state technical assistance team pursuant to section 210.194, RSMo.

The above comments are made for your review and hopefully present a better understanding of some of the responsibilities involved in our industry.

ITEMS OF INTEREST

St. Louis Community College at Forest Park has implemented an Internet version of the Certificate of Proficiency in Funeral Directing. They are currently offering two courses during the fall semester and will offer two courses during the spring semester. For additional information, contact Steve Smith, program director at (314) 644-9266 or swsmith@stlcc.cc.mo.us or at the college website (<http://www.stlcc.cc.mo.us/fp/funerals/>).

The Illinois Funeral Directors Association opened the Museum of Funeral Customs in April. It is located in Springfield, Illinois outside the gates of Oak Ridge Cemetery, site of Lincoln's Tomb. It was established to preserve and interpret the history of American funerary and mourning customs from 1840 to the present. For more information call (217) 544-3480, write to the museum at 1440 Monument Avenue, Springfield, IL, 62702, e-mail them at funeralmuseum@ifda.org, or visit the website at FuneralMuseum.org.

Missouri State Board of
Embalmers and Funeral Directors
PO Box 423
Jefferson City MO 65102
Telephone: 573/751-0813

CALENDAR

2002 Dates

November 20, 2002 Examinations
December 2-3, 2002 Board Meeting, Kansas City
December 18, 2002 Examinations

2003 Dates

January 15, 2003 Examinations
February 19, 2003 Examinations
February 24-25, 2003 Board Meeting, Rolla
March 19, 2003 Examinations
April 16, 2003 Examinations
May 21, 2003 Examinations
June 18, 2003 Examinations
July 16, 2003 Examinations
August 20, 2003 Examinations
September 17, 2003 Examinations
October 15, 2003 Examinations